

**Remarks**

The applicants and their representatives have reviewed the Office Action of May 18, 2004 and provide the above amendment in conjunction with these remarks. Withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested in light thereof.

Preliminarily, it is noted that the Office Action indicated that the applicants elected the invention of Group II, "claims 21-27 (Fig. 18) in Paper No. 4/19/2004 . . . ." No reference was made to Fig. 18 in the applicant's response to the restriction requirement. Specifically, and importantly, claims 21-27 were elected. No reference was made to, nor was there any need to make reference to, a figure number. The applicants assert, and make clear for the record, that claims 21-27 are not limited by any figure, much less figure 18. In any event, claims 21-27 are directed to a method.

As to the rejection of claims 21-27 under 35 U.S.C. § 102(b) in light of U.S. Patent No. 5,702,418 to Ravenscroft et al., the applicants have amended claim 21. Specifically, claim 21 has been amended to recite that the catheter provided in step 1 have a "layered, composite structure providing differing properties along the length of the sheath . . . ." This amendment is supported generally in the specification at page 30, beginning at line 30, through page 35, line 11. Note especially the language beginning at page 32, line 23, which states that "[i]n a preferred embodiment . . . , the first portion is a material/blend chosen for higher density, crush strength, relative high durometer and stiffness . . . . The material at the distal end being selected for a higher flexibility [and] crease resistance . . . . In a transition area the material starts as 100 percent of the A property and transitions to 100 percent of the B property." [with reference to Fig. 20A].

The '418 patent is silent as to this claimed feature. To the extent the '418 teaches anything related to varying longitudinal properties, it does so with respect to an inner core (as opposed to the sheath) and is completely silent as to any layered, composite material as is currently claimed.

For the reason presented above, the applicants respectfully submit that claim 21 is neither anticipated nor obvious in view of the cited art. For that reason among others, its dependent claims 22-27 are also in condition for allowance. Independent reasons for the allowance of claims 22-27 need not be addressed as claim 21 is allowable. Early and favorable

Appln. No.: 10/046,658  
Amendment Dated August 5, 2004  
Reply to Office Action of May 18, 2004

BSI-495US1

notification of the allowance of claims 21-27 is respectfully requested.

Respectfully submitted,



Jonathan H. Spadt, Reg. No. 45,122  
Attorney for Applicant

JHS/dhm

Dated: August 5, 2004

☒ P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

☐ P.O. Box 1596  
Wilmington, DE 19899  
(302) 778-2500

The Commissioner for Patents is hereby  
authorized to charge payment to Deposit  
Account No. 18-0350 of any fees associated  
with this communication.

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail,  
with sufficient postage, in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450 on:

August 5, 2004

